

**ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019**  
**COMMITTEE STATEMENT**  
**LB206**

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**Hearing Date:** Friday February 01, 2019  
**Committee On:** Judiciary  
**Introducer:** Morfeld  
**One Liner:** Protect free speech rights of student journalists and student media advisers

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Brandt, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Chambers
<b>Present Not Voting:</b>		

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**Oral Testimony:**

**Proponents:**

Senator Adam Morfeld  
Hadar Harris  
Allen Beermann  
Michael Kennedy  
Cathy Kuhlmeier Frey  
Benjamin Randall  
Kylie Hanna  
Madi Pohlman  
McKayla Vermeer  
Emily Nelson  
Cole Bauer  
Terry Pitkin  
Angela Wolfe  
Justine Garman  
Adriana Martinez  
Michelle Hassler  
Trevor Lueck  
Kaitlynn Johnson  
Laurie Thomas Lee  
Gracia Lantis  
Lori Larson  
Syble Heffernan

**Representing:**

Introducer  
Student Press Law Center  
Nebraska Press Association  
Northern Plains Collegiate Media Association  
self  
self  
self  
self  
self  
self  
Doane Student Media  
self  
Nebraska High School Press Association  
self  
Bryan High School's "The Orator"  
Nebraska High School Press Association  
self  
self  
Academic Freedom Coalition of Nebraska  
North Platte High School Newspaper "The Bulldogger"  
self  
North Platte High School Newspaper "The Bulldogger"

**Opponents:**

Justin Knight  
Marion Miner

**Representing:**

self  
Nebraska Catholic Conference

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

## Section 1 Definitions:

Postsecondary education institution: Univ of Nebraska, state colleges, private college or university, community colleges.

School sponsored media: Material written published or broadcast by students at postsecondary institution, made available to student body and under direction of student advisor. Does not include class related media

Student journalist: Student at a postsecondary institution who gathers, writes, records etc. information of a journalistic nature.

Student media advisor: Individual employed or designated to supervise or provide instruction for school sponsored media.

School sponsored media is deemed to be a public forum. Student journalists have free speech and press rights regardless of how media is supported. Student journalists are responsible for the content they produce for school sponsored media. Media advisors can teach standards of English and journalism.

Provisions do not protect expression that is: libelous or slanderous, invasion of privacy, violates law, incites a danger of unlawful act, policy violation or disruption of operation.

Student journalist cannot be disciplined for acting under subsection (2) and a media advisor cannot be dismissed or retaliated against for protecting a student journalist acting under subsection (2) or refusing to infringe on the protected content.

Publication or expression by a student journalist is not an expression of the institution and the institution or others associated may not be held civilly or criminally liable.

## Section 2 Definitions:

Public high school: Any school district high school.

School sponsored media: Material written published or broadcast by students at a public high school made available to student body and under direction of student advisor. Does not include class related media

Student journalist: Student at a public high school who gathers, writes, records etc. information of a journalistic nature.

Student media advisor: Individual employed or designated to supervise or provide instruction for school sponsored media.

School sponsored media is deemed to be a public forum. Student journalists have free speech and press rights regardless of how media is supported. Student journalists are responsible for the content they produce for school sponsored media. Media advisors can teach standards of English and journalism.

Provisions do not protect expression that is: libelous or slanderous, invasion of privacy, violates law, incites a danger of unlawful act, policy violation or disruption of operation.

Student journalist cannot be disciplined for acting under subsection (2) and a media advisor cannot be dismissed or retaliated against for protecting a student journalist acting under subsection (2) or refusing to infringe on the protected content.

Publication or expression by a student journalist is not an expression of the public high school and the high school or others associated may not be held civilly or criminally liable.

High schools and media advisors shall make efforts to utilize resources of public and private universities and professional organizations for training on media law and ethics.

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**Explanation of amendments:**

AM 430 is a white copy amendment that makes three changes to LB 206.

First, it removes private universities and colleges from the provisions of the bill.

Second, the amendment removes the liability limitation at both the university or college level (section 1) and the high school level (section 2).

Third, AM 430 adds language regarding "prevailing journalistic standards." This language is added to the role of the student advisor to ensure that the school media adheres to such standards. This language is also added to provide that the measure does not authorize or protect expressions that departs from the standards. This change applies to both the university or college level and the high school level.

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Steve Lathrop, Chairperson